	Application No.	Applicant(s)	
Notice of Allowability	09/652,766	GOURLAY ET AL.	
	Examiner	Art Unit	
	Philip C Lee	2154	

-- Th MAILING DATE of this communication appears on the cover sh t with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at th initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *08/12/04*.

2. ☒ The allowed claim(s) is/are *1-33*.

3. ☒ The drawings filed on *31 August 2000* are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some*   c)☐ None   of the:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the

          International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a)☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

       1)☐ hereto or 2)☐ to Paper No./Mail Date _____ .

    (b)☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

       Paper No./Mail Date _____ .

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachm nt(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

EXAMINER'S AMENDMENT

1.   An examiner's amendment to the record appears below. Should the changes and/or

additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the

payment of the issue fee.

2.   Authorization for this examiner's amendment was given in a telephone interview with

Marc Hanish, reg. no. 42,626, on December 21, 2004.

3.   The application has been amended as follows:

a.   Replace claim 14 to read as of the following:

In Claim 14,

14.   (Currently Amended) An apparatus for using a phased learning approach

for determining closest of s̲ multiple content serving sites to a client DNS server in a computer

network including:

a Domain Name System (DNS) request receiver coupled to the client DNS server;

a response time determiner coupled to said DNS request receiver and coupled to the

content serving sites, said response time determiner configured to determine a response time for

each of n fastest content serving sites and m other content serving sites, said n fastest content

serving sites chosen by using transit times of each of the content serving sites and choosing the *n*

content serving sites with lowest transit times, said *m* other content serving sites chosen by

selecting new content serving sites as well as randomly selecting old content serving sites,

wherein *n* is less than *s* and greater than zero;

.   a transit time request sender coupled to said response time determiner and coupled to the

content serving sites;

a data receiver coupled to the client DNS server;

a memory coupled to said sender; and

a data storer coupled to said data receiver and coupled to said memory.

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Philip C. Lee whose telephone number is (571) 272-3967.

Philip Lee

December 21, 2004

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100